ASBN UPDATE

President...Shirlene Harris, RN Vice-President...Dan West, RN Carol Austin, LPN Karen Buchanan, RN Lorenda Cox, LPN Robert Currie, LPTN Janie Cumpton, LPN Hope Hartz, APN



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Executive Director...Faith A. Fields, MSN, RN

Editor...Georgia C. Manning, MN, RN

NOVEMBER BOARD MEETING HIGHLIGHTS

At the November 16th meeting, the Board took the following actions:

- Granted continued full approval to Northwest Arkansas Community College Associate of Applied Science Degree in Nursing Program. A report addressing the M & O Budget for the nursing program must be submitted annually for the next five years.
- Granted continued full approval to the Quapaw Technical Institute Practical Nurse
- Granted continued full approval to the University of Arkansas Community College at Batesville Associate of Applied Science Degree in Nursing Program.
- Voted to rescind Position Statement 98-4 Telenursing.
- Voted to approve Position Statement 00-2 Telenursing as submitted by the Nursing Practice Committee.
- Voted to revise the ASBN Rules and Regulations to establish a retired nurse license.
- Voted to seek legislation that would add to the causes for disciplinary action in the ASBN Nurse Practice Act §17-87-309 the phrase, "or engaged in the practice of nursing without a valid license."
- Elected new officers.

CATHERINE THOMEY RETIRES
AFTER 29 YEARS
The ASBN's Exam and The Aspn's Exam and The Exam and nine years of faithful service to the state. Ms Thomey began working for the Board part-time and moved into a full time position as

secretary/receptionist in 1971. At the time of her retirement, Ms. Thomey was responsible for initial licensure of all registered nurses, licensed practical nurses and licensed psychiatric technician nurses in the state. The Board expresses their sincere appreciation to Ms. Thomey for her years of service and dedication to the state. Board members and staff wish her a wonderful and happy retirement.

INSIGNIA FOR TEMPORARY PERMITS

The Board has received numerous inquiries regarding the appropriate insignia that is to be used by new graduates working on temporary permits. New graduates working on temporary permits are considered practicing nurses and as such should use LPN, LPTN or RN as appropriate. The temporary permit becomes invalid upon notification to the applicant of the results of the examination or in ninety (90) days, whichever comes first.

NEW BOARD MEMBER APPOINTED

Governor Mike Huckabee has appointed Robert Currie, LPTN, to the Board. Mr. Currie has been with the Department of Human Services and the Arkansas State Hospital for 26 years. He is married and has four daughters and two sons. He is replacing Board Member Dona Young, whose term had expired.

The Board and staff welcome Mr. Currie and extend their appreciation to Dona Young for her years of service and commitment to public protection.

OFFICERS ELECTED

At the November business meeting, new Board officers were elected. They were Dr. Shirlene Harris, President; Dan West, Vice-President; Michael Canney, Treasurer; and Martha Tyler, Secretary.

President Shirlene Harris is the Director of Baptist Schools of Nursing and Allied Health. Her term expires in 2004.

Vice-President **Dan West** is currently the clinical manager at Conway Regional Surgery Center. His term expires in

Treasurer Michael Canney is a resident of Hot Springs Village. He is retired from Mountain Bell in New Mexico and Colorado. On the Board he is the Representative of the Older Population. His term will expire in 2003.

Secretary Martha Tyler has been with the Department of Human Services and the Arkansas State Hospital for the past 13 years. Her term will expire in 2002.

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Office Location

1123 S. University University Tower Bldg. Ste. 800 Little Rock. AR 72204

Phone: 501/686-2700*FAX:* 501/686-2714*Website:* www.state.ar.us/nurse

Office Hours

Monday thru Friday: 8:00 a.m. - 4:30 p.m.

Staff

Faith A. Fields, MSN, RN

Executive Director

Phyllis DeClerk, RN

Director of Nursing Practice

Karen Hawkins

Director of Accounting & Information Services

Deborah Jones, RN, MNSc

Assistant Director of Nursing Practice

Fred Knight, JD

General Counsel

Georgia C. Manning, MN, RNDirector of Advanced Nursing Practice

Jackie Murphree, EdD, MNSc, RNDirector of Nursing Education Programs

Margie Brauer, Licensure Certification Naomi Bryant, Examinations/Endorsements Coordinator

Chad Calhoun, Computer Services Specialist

Sarah Gibson, Disciplinary Coordinator Tami Hill, Editorial Assistant/Advanced Practice Secretary

Cindy Scheu, Data Entry Secretary Mary Stinson, Education Secretary Melinda Thornton, Executive Assistant Nancy Walker, Licensure Renewal

The mission of the Arkansas State Board of Nursing is to protect the public and act as their advocate by effectively regulating the practice of nursing.

NEXT BOARD MEETING DATES - 2000

January 10 Wednesday Disciplinary January 11 Thursday Business

The public is invited to attend ASBN Meetings. Groups of more than five should contact Melinda Thornton at 501/686-2704 for scheduling.

LOST OR STOLEN LICENSES

Reissued licenses will have *duplicate* stamped on them. Employers are urged to inspect the original license from a job applicant and verify identity with a photo ID.

ASBN RECEIVES ArNA'S FRIEND OF NURSING AWARD

The Arkansas State Board of Nursing was the recipient of the first ever "Friend of Nursing Award "bestowed by the Arkansas Nurses Association (ArNA). The ArNA Board selected the ASBN as the first recipient based on significant contribu-



tions made and the leadership shown in relation to licensure and regulation of the nursing profession in Arkansas. The ceremony took place at the ArNA Awards Banquet on Thursday, October 12, 2000, as a part of the annual convention in Springdale.

HOT CHECK NOTICE

The following nurses appear on the records of the ASBN for returned checks due to insufficient funds. If any of these nurses are practicing in Arkansas, they may be in violation of the *Nurse Practice Act* and could be subject to disciplinary action by the Board.

| Bradley, Rosa Marie Carman, Jeanette M Crouse, Shelly Davis, Andrea Diane Echols, Sara Grainger, Julia Marie | R35966 R39986 L28378 R63268 | Hughes, Kelley Lond, Debra A. Lucas, Casandra Matthews, Brenda J. Stender, Cathleen Williams, Sally F. | L34380 L25461 R48826 L08194 L22055 L26287 |
|---|--------------------------------------|---|--|
| Grainger, Julia Marie | L20674 | Williams, Sally F. | L26287 |
| Heffner, Krista Layne | R49019 | Williams, Sommer D | L36335 |

October/November 2000

TELENURSING POSITION STATEMENT ADOPTED

A position statement on telenursing was adopted in November 1997 and revised in September 1998. In January 1999, a request was made that this emerging specialty be defined. A subcommittee of the Nursing Practice Committee was established to address telenursing. A request was made in the *ASBN UPDATE* for individuals interested in telenursing to serve on this subcommittee. The subcommittee was comprised of nurses from all over the state who represented diverse involvement with telenursing. After extensive research and effort, the following "Position Statement 00-2 Telenursing" was approved at the November 16, 2000, Board meeting.

Position Statement Telenursing 00-2

Telenursing is defined as the practice of nursing using protocols through telecommunication technology. The Arkansas State Board of Nursing has determined that an active license to practice nursing in Arkansas is required to practice telenursing in this state. The ASBN "Position Statement 98-6 Decision Making Model" shall be followed to determine if a particular act of telenursing is within the scope of practice of the nurse, with emphasis on completion of special education, possession of appropriate knowledge, and documented evidence of competency and skill in the nurse's personnel file.

Health care professionals have been using various forms of telehealth for many years, and according to the *American Nurses Association Core Principles of Telehealth* (1999), the basic standards of professional practice are not altered by the use of telehealth technologies in the provision of health care. It is further stated that, "A health care practitioner cannot use telehealth as a vehicle for providing services that are not otherwise legally or professionally authorized."

The practice of professional nursing (registered nursing) in the *Arkansas State Board of Nursing Nurse Practice Act ACA §17-87-102(2)* means the performance of acts which require substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences. Assessment is within the practice parameters of the RN in the ASBN "Position Statement 95-1 Scopes of Practice."

In *ACA §17-87-102(5)* and *(6)*, the practices of licensed practical nursing and licensed psychiatric technician nursing means the performance of acts under the direction of a registered professional nurse, an advanced practice nurse, a licensed physician, or a licensed dentist, those acts which "...do not require the substantial specialized skill, judgment, and knowledge required in professional nursing." Observation is within the practice parameters of the LPN/LPTN in the ASBN "Position Statement 95-1 Scopes of Practice."

The ASBN has determined that nurses licensed to practice in Arkansas may practice telenursing under the following circumstances:

- There shall be an established relationship with the client and a record to document data collected and all care provided or recommended.
- 2. There shall be protocols that outline the care to be given. These protocols shall be reviewed annually by the licensed physician and nurse and be made available to the Board upon request.
- 3. Documentation of each client contact shall include demographics, health history, assessment of the chief complaint, the protocol followed, referral, and, if indicated, any follow-up.
- 4. Deviations from protocols shall require a direct order from a practitioner authorized to prescribe and treat in accordance with state law. All deviations shall be documented in the client record.
- 5. Protocols shall not include prescription drugs. (Does not apply to protocols by APNs and RNPs.)
- 6. The roles of the RN, LPN and LPTN are limited to the parameters set out in "Position Statement 95-1 Scopes of Practice." Because their practice parameters do not include assessment, the roles of the LPN and LPTN are limited to data collection in telenursing.

The "Position Statement 98-6 Decision Making Model" considers evolving practice potentials based on type of licensure and educational preparation. According to the model, "the licensed nurse is responsible and accountable, both professionally and legally for determining his/her personal scope of practice," within the boundaries set by the *Nurse Practice Act* and the ASBN Position Statements.

Nurses who practice telenursing may be requested to provide documentation that they have followed the "Position Statement 98-6 Decision Making Model" in making their decisions.

The ASBN Positions Statements can be accessed at www.state.ar.us/nurse or at the Board office.

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COMPLEMENTARY/ALTERNATIVE THERAPIES

The competency of a nurse to perform complementary and alternative therapies begins with nursing education and ends with the safe nursing practice of those skills in such a way that ensures the safety, comfort and protection of clients. Nurses using complementary or alternative therapies in their practice should follow the ASBN "Position Statement 98-6 Decision Making Model." Particular attention should be paid to the definition of nursing in the ASBN Nurse Practice Act, and statements in the ASBN "Position Statement 95-1 Scopes of Practice." Other professional practice acts may require additional certification and/or licensure to perform a particular therapy.

Most nurses have been exposed to systems, holistic and humanistic theories. These theories are the essence of nursing practice and may include complementary and alternative therapies. Nurses must practice within the scope of practice of their license. In basic nursing education, nurses learn to complement physician ordered treatments with techniques such as focused breathing and relaxation, massage, guided imagery, music, humor and distraction. The more complex complementary and alternative therapies are a part of advanced practice nursing.

Advanced practice nurses may be qualified to recommend or prescribe vitamins, herbs, minerals or other over-the-counter products. The registered nurse practitioner and the registered nurse may follow protocols to recommend these products. These protocols shall be reviewed annually by the licensed physician and nurse and be provided to the Board upon request. The practice of applied kinesiology, herbal medicine, homeopathy, and ayurveda may require formal educational preparation and possibly even certification. State licensure laws regulate therapies such as chiropractic, massage, acupuncture and physical therapy.

Carefully following the ASBN "Position Statement 98-6 Decision Making Model" will ensure that nurses are practicing within their scope of practice. Nurses who choose to use complementary or alternative therapies in their practices may be requested to provide documentation that they have followed the "Position Statement 98-6 Decision Making Model" in making their decisions.

The ASBN Positions Statements can be accessed at www.state.ar.us/nurse or at the Board office.

STUDENTS BENEFIT FROM JONES' PRESENTATION

Following the "Disciplinary Action" presentation on November 9, 2000, by Debbie Jones, Assistant Director of Nursing Practice, students at North Arkansas College Nursing Program in Harrison were asked to answer the following question related to disciplinary action in nursing. The question and the students' responses are listed below:

What is your role as a professional nurse in reporting a co-worker who exhibits behaviors that could lead to disciplinary action by the ASBN and how do you feel about this?

- ➤ It is your obligation to report any illegal or unprofessional behaviors. If you don't, you could have disciplinary action brought against you. Even though this is a tough decision, I would report them, because I wouldn't want them caring for my family.
- ➤ We are required by law to report a coworker who is exhibiting unsafe practices. It should be reported to the nurse manager. This is something that I really hate to do…but I need to remember that my patients and their safety always needs to come first.
- ➤ Tell my supervisor. It is every nurse's duty to uphold the regulations in the *Nurse Practiæ Act* and to protect the patients. By neglecting to report the co-worker, a nurse would make herself guilty of violating the *Nurse Practiæ Act*.
- Ethical obligation, to prevent harm. Notify supervisor & Board. I don't like

- the idea of having to report but if a fellow peer has shown this behavior I wouldn't want them continuing to do this
- Report to supervisor. If the supervisor does nothing—report to higher up. Then report to Board if they don't. Mixed emotions—co-workers often are friends, but wrong is wrong!
- ➤ Depending on the severity or danger to patients of the behavior, talking to the nurse may be appropriate. Reporting to supervisor if the behavior continues—go through the chain of command, directly contacting the Board of Nursing if no action is taken by supervisor or nurse, or if the behavior will cause harm to patients.

These students are first semester sophomores who will graduate in May 2001 and LPN/LPTN-to-RN students who will graduate in December 2000.

LICENSURE FEES: WHERE DOES THE MONEY GO?

Occasionally, nurses ask about what happens to the funds received by the Board of Nursing. All fees collected are deposited in the state treasury and designated for use only by the Board of Nursing. Every two years, the Board budgets for the needs of the agency and for proposed or current projects. A request is then made to the Governor and the legislature for an appropriation of the funds from the Board's account.

The Executive Director must appear before the Legislative Joint Budget Committee and defend or justify all funds requested. The Governor makes a recommendation and the legislature has final approval of the budget. It then must be "passed" as a legislative appropriation bill during the session of the General Assembly.

The Board's largest source of income is from license renewal. The licensure fees finance all activities of the Board such as renewal forms, licensure paper, staff salaries, nursing school surveys, licensure examinations, advanced practice licensure, the *ASBN UPDATE* publication, investigations and discipline of licensees.

For the past three years, the savings account or fund balance has had to be tapped to finance operations because revenues have not been adequate to handle expenditures. In July of this year, the fund balance had decreased to the point that an increase in renewal fee was necessary—the first since 1979.

Arkansas license renewal fees are still some of the lowest in the nation. An RN's license "costs" approximately five cents per day. For the LPN/LPTN, the license averages about four cents per day.

Additional funding is required for new programs, such as continued competence, FBI and state criminal background checks, and nursing shortage studies. The charge to the Board of Nursing is to protect the public, and the resources and activities to accomplish this mission are financed through your renewal fees. Nurses are the frontline providers of healthcare and the strongest of patient advocates. To meet the charge of public protection the Board must continually develope, update and improve programs and services, all of which have to be funded.

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DISCIPLINARY ACTIONS

The format for reporting disciplinary actions includes the statutory citation of the violation.

Grounds for Disciplinary Action {Arkansas State Board of Nursing Nurse Practice Act, Rules and Regulations, ACA § 17-87-309(1995 Repl., 1997 Supp. and 1999

- (a) The Board shall have sole authority to deny, suspend, revoke or limit any license to practice nursing or certificate of prescriptive authority issued by the Board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

(2) Is guilty of a crime or gross immorality;

- (3) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (4) Is habitually intemperate or is addicted to the use of habit-forming drugs;

- (5) Is mentally incompetent;(6) Is guilty of unprofessional conduct;
- (7) Has had a license, certificate, or registration revoked, suspended or placed on probation or under disciplinary order in any jurisdic-
- (8) Has voluntarily surrendered a license, certification, or registration and has not been reinstated in any jurisdiction; or
- (9) Has willfully or repeatedly violated any of the provisions of this chapter.

DISCIPLINARY HEARINGS October 19, 2000

Arnold, Marion Irene, R53818, A01339, PAC 01313, Jane, MO A.C.A. §17-87-309(a)(6), Certificate of Prescriptive Authority was suspended for 1 yr, Civil Penalty - \$2500

Beech, Alma, R40777, Gillett A.C.A. §17-87-309(a)(4)&(a)(6) Suspension - 3 yrs, Civil Penalty - \$1500

Davis, Sherry, R35995, Little Rock A.C.A. §17-87-309(a)(9) Reprimanded, Civil Penalty - \$500

Eudy, Alecia N., R32040, Siloam Springs A.C.A. §17-87-309(a)(4),(a)(6)&(a)(7) Probation - 2 yrs, Civil Penalty - \$1000

Harper, Charlene, R50662, Manila A.C.A. §17-87-309(a)(4)&(a)(6) Suspension - 2 yrs, Civil Penalty - \$1000

Miller, Barbara Ann, R51520, Uniontown Probation Non-Compliance Suspension - 1 mo. followed by Probation - 1 year

Miller, Michael David, R31142, L16459

(exp), Dalton A.C.A. §17-87-309(a)(4)&(a)(6)

Suspension - 5 yrs, Civil Penalty - \$2500 Course - Legal & Ethical Issues

November 15, 2000

Civil Penalty - \$750

Burns, Peggy Louise, R13559, Star City Probation Non-Compliance Suspension - 2 yrs, Civil Penalty - Complete previously, assessed of \$500 (balance \$500)

Dixson, Cathy Lynn, L28401, Jonesboro A.C.A. §17-87-309(a)(4)&(a)(6) Suspension - 2 yrs, Civil Penalty - \$750 Holder, Donna Lynn, L32270, Batesville A.C.A. §17-87-309(a)(6) Probation - 2 yrs, Civil Penalty - \$500 Knight, Regina, R30440, Little Rock A.C.A. §17-87-309(a)(4)&(a)(6)

Suspension - 6 mos., Probation - 2 yrs

Moser, Jacqueline, R41187, Batesville Probation Non-Compliance Suspension - 1 mo., Probation - 6 mos.

Talley, Deborah, L18506, Hot Springs **Probation Non-Compliance**

Suspension - 2 yrs, Civil Penalty - \$250

Consent Agreements

Baker, Randy L., R55219, Jonesboro A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 3 yrs, Civil Penalty - \$1,200 Course - Legal & Ethical Issues Bell, Benjamin P., R49264, Hensley A.C.A. §17-87-309(a)(6) Probation - 2 yrs, Civil Penalty - \$1,000

Course - Legal & Ethical Issues Brown, Tina A., R39946, L27786 Greenfield, IN

A.C.A. §17-87-309(a)(6)

Probation - 1½ yrs, Civil Penalty - \$700

Clark, Ann E., R53433, Donaldson A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 2 yrs., Civil Penalty - \$700

Holden, Jr., Alfred C., R54687, Little Rock A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 11/2 yrs, Civil Penalty - \$500

Launius, Deanna M., R44327, Arkadelphia A.C.A. §17-87-309(a)(2)&(a)(6)

Probation - 1½ yrs

Mickle, Jr., Paul P., R56125, Malvern A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 2 yrs, Civil Penalty - \$600

Mickle, Rebecca A., R54363, Malvern A.C.A. §17-87-309(a)(6)

Probation - 1 yr, Civil Penalty - \$500

Rhoads, Matthew C., R41254, P01663 Sherwood, A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 2 yrs

Rice, Rhonda G., R54208, Blytheville A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 11/2 yrs

Tims, Pam A., R51388. Bradford A.C.A. §17-87-309(a)(4)&(a)(6) Probation - 2 yrs, Civil Penalty - \$500

Letter of Reprimand

Lamb, Christine L., R24462, Dunedin, FL October 5, 2000

Course - Legal & Ethical Issues

Probationary Status Removed

Artripe, Jo Anne, L06052, Springdale November 3, 2000

Carnation, Kimberly, R25728, Austin October 27, 2000

Chism, Richard A., T01579, Pine Bluff November 3, 2000

Furguson, Irma R., L17450, Desha October 6, 2000

Harwell, Kim A., R55285, Pine Bluff October 27, 2000

Mooney, Annetta M., L34028, Morrilton October 12, 2000

Myrick, Marie P., L31375, Pine Bluff November 7, 2000

Parker, Deborah K., R35384, Alexander October 27, 2000

Parker, Kerry L., R51929, Camden October 27, 2000

Tucker, Gail A., R37007, Searcy October 27, 2000

West, Jr., Barry R., R39866, Fayetteville October 30, 2000

Zaleski, Susan L., R39372, Little Rock October 12, 2000

Voluntary Surrender

Brown, Sheila J., R44119, Lonoke November 1, 2000

McNanna, Brandy M., L34388, Malvern October 12, 2000

Milligan, Debra L., L22590, Harrison October 11, 2000

Sullivan, Melonie D., L34675, Paragould October 10, 2000

Arkansas State Board of Nursing

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IT IS IMPERATIVE THAT THE BOARD HAVE YOUR CURRENT NAME AND ADDRESS

Has your name or address changed? If so, please complete this form and return it to:

Arkansas State Board of Nursing, 1123 S. University, Suite 800, Little Rock, AR 72204

| ADDRESS CHANGE | For identification, please provide the following: | | |
|---|---|---------|--|
| (NO FEE) | SSN# | | |
| Name: | License # | | |
| New Address: | I DECLARE MY PRIMARY STATE OF RESIDENCE TO BE: | | |
| City, State, Zip, County | SIGNATURE: (MUST BE SIGNED) | | |
| | CHANGE or court action must accompany fee.) | | |
| Current Name: (Last, First, Middle, Maiden) | ENTER LICENSE NUMBER AND ENCLOSE \$10.00 FOR EACH LICENSE HELD. | | |
| | LPN | \$10.00 | |
| Address: | LPTN | \$10.00 | |
| City, State, Zip, County | RN . | \$10.00 | |
| | APN | \$10.00 | |
| Former Name (Last, First, Middle, Maiden) | RNP | \$10.00 | |
| | | Total | |